UNITED STATES DISTRICT COURT DISTRICT OF NEVADA RENO, NEVADA

DENNIS MONTGOMERY, et al.,	3:06-CV-0056-PMP-VPC
Plaintiff(s),) <u>MINUTES OF PROCEEDINGS</u>
vs.)) DATED: August 19, 2008
ETREPPID TECHNOLOGIES, et al.,))
Defendant(s).)))
PRESENT: THE HONORABLE V	VALERIE P. COOKE, MAGISTRATE JUDGE
Deputy Clerk: Lisa Mann	Court Reporter: Kathryn M. French
Counsel for Plaintiff(s): Randall S	Sunshine and Ellyn Garofalo
Counsel for Defendant(s): Stephen	Peek and Jerry Snyder
Counsel for Counter Defendant(s): <u>I</u>	Bridgett Robb Peck and (Telephonically) Gregory Schwartz
Counsel for Interested Party: Carlott	a Wells

PROCEEDINGS: CONTINUED ORDER TO SHOW CAUSE HEARING

9:07 a.m. Court convenes.

The Court advises the parties that these proceedings shall commence promptly at 9:00 a.m. as ordered by the Court.

Ms. Garofalo advises the Court that the plaintiff is now in possession of the original PST files and the Len Glogauer PST file and further advises that counsel have potentially resolved this issue. However, there may be some information subject to the United States' protective order; therefore, Ms. Garofalo has conferred with counsel for the government and shall be able to report to the Court by the end of the day that the parties have resolved this issue and that the hard drives shall be produced forthwith to defendants.

Dennis Montgomery, previously sworn testifies on cross examination by defendants.

Defendants' exhibits 8 and 20 are admitted.

9:52 a.m. Court recesses.

9:57 a.m. Court reconvenes.

Dennis Montgomery, et al. v. eTreppid Technologies, et al. 3:06-CV-0056-PMP-VPC August 19, 2008 Page 2

Defendants continue cross examination of the witness.

Defendants' exhibit 31 and 32 are admitted.

Defendants' exhibit 47 is marked.

Mr. Montgomery is excused.

Mr. Peek requests that defendants' exhibits 1, 6, 9, 45, 46, and 47 be admitted.

Ms. Garofalo objects to the admittance of defendants' exhibit 45 and makes an oral request to review the balance of the exhibits at the noon hour.

IT IS ORDERED that defendants' exhibit 45 is admitted.

During the noon hour, counsel are directed to review the balance of defendants' marked exhibits concerning any stipulation or objection to admittance of those exhibits.

Ms. Robb Peck addresses the Court regarding the renumbering of defendants exhibits as stated by Mr. Peek at yesterday's hearing.

Mr. Peek advises that defendants' exhibit 31 is now defendants' exhibit 38.

10:30 a.m. Court recesses.

10:40 a.m. Court reconvenes.

Jonathan Karchmer, called on behalf of the defendants is sworn and testifies on direct examination.

Defendants' exhibit 48 is marked and admitted.

Defendants' exhibit 49 is marked and admitted.

Mr. Karchmer is excused.

11:59 a.m. Court recesses.

1:30 p.m. Court reconvenes.

Dennis Montgomery, et al. v. eTreppid Technologies, et al. 3:06-CV-0056-PMP-VPC August 19, 2008 Page 3

Mr. Snyder advises the Court that he has some additional questions for Mr. Karchmer. Counsel for plaintiff has no objection.

Jonathan Karchmer, previously sworn continues testimony on direct examination.

Defendants' exhibit 50 is marked and admitted.

Ms. Garofalo cross examines the witness, defendants' counsel examines the witness on redirect, Ms. Garofalo examines the witness on re-cross, and Mr. Karchmer is excused.

Len Glogauer, called on behalf of the defendants is sworn and testifies on direct examination.

Ms. Garofalo cross examines the witness, and the witness is excused.

Sloan Venables, called on behalf of the defendants is sworn and testifies on direct examination, is cross examined by plaintiffs, is examined on re-direct by defendants, and is excused.

Warren Trepp, called on behalf of the defendants is sworn and testifies on direct examination, is cross examined by plaintiffs, is examined on re-direct by the defendants, and is excused.

Scott Cooper, called on behalf of the plaintiffs is sworn and testifies on direct examination.

Plaintiffs' exhibits 1 and 2 are marked.

Witness is cross examined by defendants.

The Court advises the parties that this proceeding is concluded for the day and shall commence with cross examination of Scott Cooper by defendants on Wednesday, August 20, 2008 at 9:00 a.m. The Court further directs counsel to meet and confer prior to the commencement of tomorrow's proceeding and advise the court clerk of the status of the parties' exhibits.

IT IS SO ORDERED.

5:06 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Lisa Mann, Deputy Clerk